

Application No. 09/993,780  
Amendment "C" dated October 20, 2003  
Reply to Office Action of July 23, 2003

### REMARKS

Applicant and applicant's attorney express appreciation to the Examiner for the courtesies extended during the recent interview held on September 6, 2003. Reconsideration and allowance for the above-identified application is now respectfully requested in view of the amendments and remarks made herein.

In the latest Office Action dated July 23, 2003, claims 3-8, 13-15, 27-30 and 37-63 were rejected under 35 U.S.C. § 102(e) as being anticipated by Chan et al. (U.S. Patent No. 5,553,123).<sup>1</sup> Following this paper, claims 3-8, 13-15, 27-30 and 37-63 remain pending. Of these pending claims, the only independent claims at issue are claims 37, 44, 50 and 58, which have been amended as proposed during the interview.

Claims 37 and 58 define a method and corresponding computer program product for enabling a server to control the recording of one or more selected television programs at an interactive television system in response to a user identifying the programs to be recorded from a program schedule that is displayed at the computing system of the interactive television system. The recited method includes receiving at the server a request from a computing system of an interactive television system for a programming schedule that identifies one or more television programs, which is provided by the server in response to the request. Next, one or more television programs to be recorded are selected at the computing system of the interactive television system from the programming schedule provided from the server and displayed at the computing system. The computing system then provides the identification of the selected television programs to be recorded to the server. In response, the server automatically and independently of any broadcast signal for audio visual programming content, downloads recording instructions to the computing system that cause the selected television programs to be recorded by the recording device of the interactive television system, automatically and without user intervention.

Independent claims 44 and 50 are similar, except they are recited from the perspective of the client interactive television system, whereas claims 37 and 58 are recited from the perspective of the server.

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<sup>1</sup> It will be noted that the priority date of the present application extends back through various continuation and continuation-in-part applications to March 29, 1993. Accordingly, Applicant reserves the right to challenge the status of Chan, as valid prior art, at any appropriate time. Therefore, any argument or comment made herein, with reference to Chan, is made only assuming, *arguendo*, that Chan does indeed qualify as a proper prior art reference.

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As discussed during the interview, the amended claims are neither anticipated by nor made obvious by the art of record, either singly or in combination. In particular, Chan fails to teach or suggest the invention as claimed.

In Chan, a method and system for downloading setup data and from a remote server are disclosed, in which the initial setup data is downloaded over telephone lines rather than being manually keyed in by the user. (Col. 2, ll. 48-49). "In addition to initial setup data, data representing programs that are desired to be recorded or viewed may be downloaded to the various telephone downloadable programmers." (Col. 47, ll. 10-13). Such recording data can then be used to subsequently control recording of the desired programs. The method recited in Chan (see Fig. 83; Col. 47, ln. 10 thru Col. 48, ln. 53) includes having a user call a customer service representative over the telephone and "orally" tell the representative either specific shows that the user wants to record or a more general description of a show type to be recorded or viewed. (Col. 47, ll. 27-34). Thereafter, the representative enters the data into a computer having a large database of programs to be broadcast in the future to identify any matches and potential conflicts. (Col. 47, ll. 47-58). After the user tells the representative how to resolve the conflict, the appropriate program codes are generated for download to the users entertainment system, and are subsequently sent to the user's system through the telephone system. (Col. 48, ll. 4-13). As described in more detail, in columns 43 and 44, downloading the data can include holding the telephone carpiece to the microphone that is embedded within the remote control (Col. 43, ll. 55-56) or VCR (Col. 44, ll. 4-6). Alternatively, the telephone line can be directly connected to the VCR. (Col. 44, ll. 13-16).

Accordingly, as discussed during the interview, Chan fails to disclose or suggest:

- sending, from the computing system, a request to the server for a program schedule that identifies television programs that can be received by the interactive television system;

- receiving, at the computing system, the program schedule from the server;
- displaying, at the computing system, the program schedule after it is received from the server;

- receiving, at the computing system, a user selection of one or more television programs from the program schedule; and

- sending, from the computing system, a request to the remote server for the selected one or more television programs to be recorded and which will result in the receipt of recording instructions for controlling the recording of the programs.

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See c.g., claims 44 and 50 and the corresponding acts recited in claims 37 and 58.

Furthermore, in contrast to the present claims, Chan actually appears to teach away from the claimed embodiments that include having a user select programs to record from a displayed programming guide. In particular, Chan's methods and systems include having a user to orally provide a human representative with recording request over thru telephone conversation. Chan is even further distinguished from the pending claims when considering that part of the reason for having the user orally provide instructions over the telephone is to overcome the stated drawbacks in the prior art with recording television programs that require a user to use a computer because "techniques such as...using a computer require special equipment."

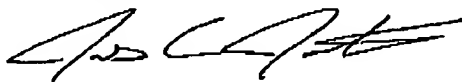
Therefore, it clearly would not be obvious to combine Chan with another reference that teaches the use of a computer to select programs for recording, as asserted by the Examiner, even if such a reference were of record, which is not the case, inasmuch as there is no motivation provided in Chan for such a modification since Chan actually teaches away from such a combination.

For at least these reasons, as discussed during the interview, Applicant respectfully submits that the pending claims 3-8, 13-15, 27-30 and 37-63 are now in condition for prompt allowance.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 20 day of October 2003.

Respectfully submitted,



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